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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,810	09/30/2004	John Zimmerman	PHUS020099	8348
22885 7590 12/23/2008 MCKEE, VOORHEES & SEASE, P.L.C. 801 GRAND AVENUE SUITE 3200 DES MOINES, IA 50309-2721				
EXAMINER				
BAIG, SAHAR A				
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12/23/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/509,810

Applicant(s)

ZIMMERMAN ET AL.

Examiner

SAHAR A. BAIG

Art Unit

2424

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-17 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-4 and 6-17 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claim 1-4 and 6-17 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4 and 6-17 rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. US Patent Publication No. 2001/0018771 in view of Harrison US Patent No. 5,867,205.

Regarding Claim 1 and 16, Walker discloses a method for providing complementary information for a video program, **Figure 4** comprising: receiving complementary information for a video program **S7**; receiving a query from a ' consumer, the query related to a specified portion of the complementary information [**S8** Note ID and timing data is specific]; providing a query response to the consumer based on the specified portion of the complementary information [**Feedback loop S5 - S8**]. Walker, however, is silent on the reference to user profile data tables and its use in preparing the response to the complementary

information query. In an analogous art, Harrison cures this deficiency by teaching that upon receiving the query reference making reference to a user interface including a module in which user profile tables [profile unit 260] and profile data matching tables [Col. 4 lines 44-48; *trigger and action storage*] are included and a complementary information module with a memory in which user data tables and complementary information is stored; and wherein in preparing the response to the query the complementary information module predicts the information that is required and accesses the user data tables for consumer specific data and personalizes the query response based on the consumer specific data [Col. 4 lines 49-66]. Therefore it would have been obvious to one of ordinary skill in the art to combine the teachings of Walker and Harrison to produce a system that monitors multiple channels simultaneously to provide narrowed and more specific complementary information to the user based on the user profile.

Regarding Claim 2 and 17, Walker discloses a method further comprising: determining whether a predetermined amount of time has passed since the complementary information was updated in the video program; and retrieving updated information from at least one external data source when the predetermined amount of time has passed since the complementary information was updated [0046].

Regarding Claim 3, Walker discloses a method comprising receiving complementary information directly from the video program [0045].

Regarding Claim 4, Walker discloses a method comprising anticipating the specified portion of the complementary information and storing the anticipated information [0018 Program identification and synchronization ~information integrated with the video program is provided to the user after it has been anticipated that the user will be requesting the complementary information to the video program. It is stored in storage device 73].

Regarding Claim 6, Harrison discloses a method wherein the consumer-specific data comprises data identifying video programs previously viewed by the consumer [Col. 3 lines 39-44 previously viewed video programs are example of predetermined items of interest].

Regarding Claim 7, Harrison discloses a method further comprising automatically storing the consumer-specific data identifying video programs previously viewed by the consumer when the video programs are viewed by the consumer [Figure 3 is a block diagram illustrating one embodiment of information stored in the profile unit].

Regarding Claim 8 and 11, Harrison discloses a method further comprising storing the consumer-specific data identifying video programs previously viewed by the consumer based on manual input [input device 106 is used to enter the criteria seen in Figure 3] by the consumer.

Regarding Claim 9 Walker discloses all of the claimed limitation except providing a query response comprising accessing user data tables for consumer- specific data and personalizing the query response based on the consumer- specific data. In an analogous art, Harrison disclose a signal processing unit is provided with one or more analyzing units to analyze textual information decoded from a number of channels of a communication signal to determine if channel contents of the channels are among channel contents defined by selection data Figure 2. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Walker and Harrison to achieve a method of automatically providing complementary video program information based on viewer criteria so that the consumer are able to receive customized programming.

Regarding Claim 10 Official Notice is taken on the use of a dual screen output device. It would have been obvious to one of ordinary skill in the art to display

complementary information regarding a video program on the same or a different screen.

Regarding Claim 12 Walker discloses a method comprising receiving from the consumer an identification of complementary information as delayed complementary information and providing the delayed complementary information to the consumer at a later time [0018 This method allows the supplemental information to be synchronized to a live broadcast television program or a pre-recorded video tape program, such as a rented movie or a time-shifted playback of a television program. Therefore the synchronized supplemental information is being provided at a later time along with the video program].

Regarding Claim 13, Harrison discloses that the user query comprises one of a who query, a what query, a where query, a when query, a why query and a how much query [Figure 3 Personal Profile].

Regarding Claim 14, Walker discloses a method comprising providing a visual indicator to notify the consumer that complementary information is available upon request [0072].

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAHAR A. BAIG whose telephone number is (571)270-3005. The examiner can normally be reached on 4/5/9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/
Supervisory Patent Examiner, Art
Unit 2424

SB